IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7621 of 1998
WITH
CIVIL APPLICATION NO. 2867 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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CMC (INDIA) PROPRIETOR SKYLARK - Petitioner(s)
Versus
LALITABEN VITHALBHAI GOHIL & 18 - Respondent(s)

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Appearance :
MR KM PATEL for Petitioner(s) : 1,
MRS SANGEETA N PAHWA for Respondent(s) : 1 - 18.
MR RD RAVAL for Respondent(s) : 1 - 6,8 - 11,13 - 18.
- for Respondent(s) : 0.0.0

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ
Date : 30/01/2006

ORAL JUDGMENT

1. The petitioner being CMC India Proprietors, Skylark, CMC Pvt. Ltd. has filed this petition

under Articles 226 and 227 of the Constitution of India praying for quashing and setting aside the award dated 28.05.1997 of the Labour Court, Ahmedabd passed in Reference No.(LCA) 1813 of 1982.

2. During the pendency of this petition, a settlement is arrived at between the petitioner and the respondents. The settlement duly signed by the Director viz. Kaushikbhai Ratilal Patel of CMC India, Odhav, Ahmedabad and Shri Kirit T. Trivedi, the President of Gujarat Kamgar Panchayat and other 16 persons, is placed on record.

3. Mr.K.M.Patel, learned advocate appearing for the petitioner submitted that earlier settlement was arrived at between the company and respondent no.7 Dahiben Ganpatlal and since he is seeking deletion of her name, the name of respondent no.7 is deleted. He has further submitted that respondent no.13 viz. Laxmiben has not signed settlement as she is not available. However, benefits given under this settlement to the respondents would also be given to the said

respondent no.13 Laxmiben. Mr.Patel has further submitted that cheques referred to in the settlement will be handed over to the concerned respondents within one week from today.

4. Mr.R.D.Raval, learned advocate appearing on behalf of respondents confirmed about the said settlement arrived at between the parties and further submitted that in view of the said settlement, no claim under the award qua the present respondents survives against the petitioner.

5. Original settlement arrived at between the parties, is taken on record. In view of the said settlement, the impugned award passed by the labour court is modified in terms of the said settlement.

6. Petition is accordingly disposed of in view of the settlement. Rule is made absolute to the above extent, without any order as to costs. Liberty to apply in case of any difficulty or if the need so arises in future.

7. In view of the order passed in main matter, no order in Civil Application No.2867 of 2004 and it shall stand disposed off.

(K.A.PUJ, J.)

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